IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 1155 of 1992

Between:

N.Tirupati Reddy S/o. Sidda Reddy, age: 21 years,

R/o. Warangal, Warangal District

... PETITIONER

AND

1. The Andhra Pradesh Vikalangula Co.op Corporation,

   Hyderabad.

2. The Joint Collector, Warangal-cum-Ex.Officio

   Executive Director,

   A.P.Vikalangula Co.op.Corporation, Warangal.

3. The District Manager,

   A.P.Vikalangula Co-operative Corporation, Warangal,

   Warangal District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly in the nature of writ of mandamus, declaring the action of the 2nd respondent i.e. Joint Collector, Warangal/Ex.Officio Executive Director, A.P. Vikalangula Co.op. Coporation, Warangal, in issuing the impugned order in R.C.No.A1/661/89, dated 10.12.1991 cancelling the regular pay scale fixed with effect from 1.9.1990 and also seeking recovery of the amounts paid over and above the consolidated salary of Rs.700/- with effect from 1.9.1990 within one month as per the directions of the 1st respondent, is illegal, arbitrary and violative of fundamental rights guaranteed to the petitioner under Articles 14, 16, 21 and 311(2) of the Constitution of India, besides being violative of principles of natural justice and consequently declare the same as illegal.

Counsel for the Petitioner : MR.K.ASHOK REDDY

Counsel for the Respondents : MR.K.RAMANUJACHARY

The Court made the following :

-

-

-

ORAL ORDER:

-

The proceedings of the 2nd respondent, Joint Collector, Warangal, dated 10.12.1991 in R.C.No.A1/661/89 are challenged in this writ petition.

Through the impugned proceedings, the regular pay scales sanctioned in favour of the petitioner putting him in the scale of Rs.740-1150 was cancelled with effect from 1.9.1990, and the petitioner was declared that he is entitled to a consolidated salary of Rs.700/- per month, with effect from 1.9.1990. Admittedly, the said proceedings were issued as per the orders of the Managing Director, A.P.Vikalangula Cooperative Corporation, Hyderabad, dated 22.10.1991, asking the 2nd respondent to reduce the salary of the petitioner.

Without going into the merits of the case, it may be noticed that at para-7 of the affidavit, the petitioner asserted that before issuing the impugned order, no notice of any kind, proposing to cancel the pay scale already fixed with effect from 1.9.1990, was issued, and further asserted that the same is violative of principles of natural justice. Whereas, at para-10 of the counter, it is categorically stated that no notice of any kind was issued before passing of the impugned order and that there is no necessity of issuing any notice to reduce the pay scale of the petitioner. I am afraid I cannot accept the contention of the respondents. The reduction of pay scale results in civil consequences, and before passing any order affecting the interest of the petitioner, the petitioner should be heard to satisfy the principles of natural justice. The impugned order of the respondents is in gross violation of the principles of natural justice, and therefore, the same is liable to be set aside. Accordingly, the same is set aside.

Writ petition is accordingly allowed. No costs.

1st October, 2004.

Pan

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the first day of October, Two thousand four.

ASST.REGISTRAR

To

1. The Managing Director,
   The Andhra Pradesh Vikalangula Co.op Corporation,
   11-4-634, Venkata Ramana Apartments,
   A.C.Guards, Hyderabad.
2. The Joint Collector-cum-Ex.Officio Executive Director,
   A.P.Vikalangula Co.op.Corporation, Warangal,
   Warangal District.
3. The District Manager,
   A.P.Vikalangula Co-operative Corporation, Warangal,
   Warangal District.

4. Two C.Ds.